HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.22176 of 2006

Between

M/s Sri Jagannath Steel Re-Rolling Mills represented by its Proprietor .. petitioner

AND

The State of Andhra Pradesh represented by its Principal Secretary, Environment, Forest, Science and Technology Department and others ..Respondents

:: JUDGMENT ::

Counsel for the petitioner	Sri K.Venumadhav
Counsel for respondent No.1	Government Pleader for Industries
Counsel for respondent Nos.2 and 3	Sri S.V.Bhatt
Counsel for respondent No.4	Sri M.Sriramulu Reddy`

28.12.2006

Per Sri G.S.Singhvi, CJ.

In this petition, the petitioner has prayed for quashing closure order dated 17.7.2006 passed by the Andhra Pradesh Pollution Control Board (for short 'the Board') under Section 31(A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987 and Section 33 (A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988.

It is borne out from the record that the petitioner has challenged the closure order by filing an appeal, which stands registered as Appeal No.75 of 2006. The reason why the petitioner chose to invoke the jurisdiction of this Court under Article 226 of the Constitution of India instead of pursuing the remedy of appeal is that the Appellate Authority is not functioning since 01.10.2006.

On the last date of hearing i.e. 18.12.2006, the case was adjourned to enable the learned Government Pleader to find out as to within what time, the Government will take a decision in the matter of the Appellate Authority.

Today, the learned Government Pleader for Forests, Environment, Science and Technology stated that the Appellate Authority was re-constituted vide G.O.Ms.No.146, Environment, Forests, Science and Technology Department dated 16.11.2006 and the same is likely to become functional by 29.12.2006 because the Government has issued G.O.Ms.No.162 dated 27.12.2006 fixing its tenure as two years.

In view of the statement made by the learned Government Pleader, the writ petition is disposed of as infructuous with the direction that the Appellate Authority shall hear and decide the appeal at the earliest.

As a sequel to disposal of the writ petition, W.P.M.P.No.28164 of 2006 is also disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

28-12-2006
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